

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109**

IN RE:

**CONSENT DECREE FOR THE
GE PITTSFIELD/HOUSATONIC RIVER SITE**

**DISPUTE RESOLUTION PROCEEDING
BEFORE THE DIRECTOR OF THE OFFICE
OF SITE REMEDIATION AND RESTORATION**

FINAL DECISION

On January 29, 2010, the General Electric Company (GE) sent a formal Notice of Dispute to the United States Environmental Protection Agency (EPA) with respect to certain conditions (Condition 20 and 22) set forth in EPA's letter of January 15, 2010, providing conditional approval of GE's August 31, 2009 Work Plan for Evaluation of Additional Remedial Alternatives for the Rest of River Portion of the Housatonic River. GE filed a Statement of Position on Disputed Conditions 20 and 22 of EPA's Conditional Approval of GE's Work Plan for Evaluation of Additional Remedial Alternatives (Statement of Position) on March 4, 2010. In response, EPA filed a Response to GE's Statement of Position on Disputed Conditions 20 and 22 of EPA's January 15, 2010 Conditional Approval Letter (Response) on April 27, 2010.

Dispute resolution for this matter was invoked pursuant to the October 27, 2000 Consent Decree for the GE Pittsfield/Housatonic River Site. Pursuant to the Consent Decree, the portion of the Site that is relevant to this dispute was investigated under the terms of a RCRA Corrective Action Permit, which is an appendix to the Consent Decree. Because GE's August 31, 2009 Work Plan is an interim submittal under the Permit, disputes regarding these submittals are governed by Section N of the Permit.

To make this decision I have reviewed GE's March 4, 2010 Statement of Position and EPA's April 27, 2010 Response. Based on my review of the foregoing and for the reasons described in EPA's April 27, 2010 Response (attached), my final decision for resolution of this dispute is that the following assumptions shall be used:

- An average daily production rate for wet excavation of 250 cubic yards per day for Reach 5A and 275 cubic yards per day for Reach 5B;
- A 2% re-suspension rate in Reach 5A; and

- An 8 hour day per 198 day season for Reaches 5A and 5B.



James T. Owens, III
Director
Office of Remediation and Restoration
EPA, Region I



Date